

Amendment to the Drawings:

The attached sheet of drawings includes changes to Fig. 1. In Fig. 1, previously omitted reference number 36, and object 26a and control system CS have been added.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

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REMARKS/ARGUMENTS

Claims 1-10 and 12-15 were pending, all of which were rejected. Claims 1, 3-10, 12-14 have been amended, claim 15 has been cancelled and claims 16-17 have been added. No new matter has been added in the claims. Reconsideration is respectfully requested.

Drawings

The drawings are amended to show the object 26a and a control system CS to adjust the separation between the object and the object lens and to include previously omitted reference number 36. Support for the amendment to the drawings may be found, e.g., at paragraphs [0039], [0045] and [0049]. Thus, no new matter is added.

Specification

The abstracted was objected. Appropriate correction has been made.

The disclose was objected to as the pre-amendment to page 4, line was not clear. The correction is included herein in a clearer format.

Additionally, the specification has been amended to correct typographical errors and to add reference numerals. No new matter is added.

Claim Rejections – 35 U.S.C. §112

Claim 1-10 and 12-15 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Appropriate correction of the rejected claims has been made. Reconsideration and withdrawal is respectfully requested. Applicant believes that the corrections made to overcome most of the rejections are clear, but addresses the remaining rejections/corrections as follows:

With respect to claim 3, Applicant has amended the claim to clarify that the “single imaging means” is “within the imaging system” to clarify the structural relationship. Moreover, claim 3 is a method claim and as such covers actions as opposed to structure. Accordingly, Applicant submits that a clearer recitation of structural relationship is not required.

With respect to claim 5, Applicant submits that “the imaging pupil” has antecedent basis from line 13 of claim 1, as presented in the present Response. Moreover, claim 5 has

been amended to remove reference to the “degree of deviation from planarity” and this subject matter has been included in new claim 16. Thus, no new matter is added.

With respect to claim 7, Applicant submits that it is clear that the beam splitter provides extracted light to both the imaging system and the primary observational optical system. Moreover, claim 7 is a method claim and as such covers actions as opposed to structure. Accordingly, Applicant submits that a clearer recitation of structural relationship is not required.

With respect to claim 9, Applicant has amended the claim to clarify that the “imaging means” is “within the imaging system” to clarify the structural relationship. Moreover, claim 9 is a method claim and as such covers actions as opposed to structure. Accordingly, Applicant submits that a clearer recitation of structural relationship is not required.

With respect to claim 13, Applicant has removed reference to the “selective optics” and this subject matter has been included in new claim 17. Thus, no new matter is added.

Claim Rejections – 35 U.S.C. §102

Claims 1-10 and 12-15 were rejected under 35 U.S.C. §102(b) as being anticipated by Mueller (4,025,785) (“Mueller”). Reconsideration and withdrawal is respectfully requested.

Independent claim 1 has been amended to recite the “reflected light is projected to the imaging system in which the reflected light is split into at least two images from eccentric sections of an imaging pupil differentially displaced from the optical axis”. Independent claim 12 has been amended to recite “the imaging system comprising optics to split the reflected light into at least two images from eccentric sections of an imaging pupil differentially displaced from the optical axis”. The amendment to claims 1 and 12 is illustrated in, e.g., Fig 1, and the accompanying text. No new matter is added.

Thus, claims 1 and 12 are clear that the reflected light is split into the two images from eccentric sections of the imaging pupil within the imaging system. Mueller, on the other hand, does not split the reflected light, as recited in claims 1 and 12. Mueller instead uses objectives 2 and 3 to “image the object 4 at the intermediate image planes 5 and 6” which correspond to “intermediate image planes 28 and 29”. Col. 2, lines 62-63 and col. 3, lines 31-33. Mueller discloses that blades 26 and 27 are used to “partially block the respective fields of view in the vicinity of the intermediate image planes 28 and 29” and relies on the shifting of the paths of the rays in front of the objective lens 1 when the object 4 is moved out of the

focal plane. Col. 3, lines 27-32 and see col. 3, line 58 to col. 4, lines 4. Thus, Mueller does not split the reflected beam "into at least two images from eccentric sections of an imaging pupil" as recited in claims 1 and 12.

Thus, Applicants respectfully submit that claims 1 and 12 are patentable over Mueller. Reconsideration and withdrawal of this rejection is respectfully requested. Claims 2-10 and 11-14 depend from claims 1 and 12, respectively, and are, therefore, likewise patentable for at least the same reasons.

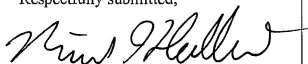
Moreover, claims 3, 4, and 9 relate to imaging the two eccentric sections on a single imaging means. Mueller, on the other hand, discloses the use of two separate photoelectric detectors 32 and 33. Col. 32-40.

Additionally, claims 9 and 14 recite the use of a dihedral mirror to split the reflected beam into the two image from eccentric sections of the imaging pupil. Mueller, on the other hand, does not disclose splitting the reflected beam into the two image from eccentric sections of the imaging pupil, much less, using a dihedral mirror to do so.

Accordingly, claims 3, 4, 9, and 14 are patentable for at least these additional reasons.

Claims 1, 3-10, 12-14 have been amended, claim 15 has been cancelled and claims 16-17 have been added, leaving claims 1-10, 12-14, and 16-17 pending. For the above reasons, Applicants respectfully request allowance of claims 1-10, 12-14, and 16-17. Should the Examiner have any questions concerning this response, the Examiner is invited to call the undersigned at (408) 378-7777 ext 112.

Respectfully submitted,



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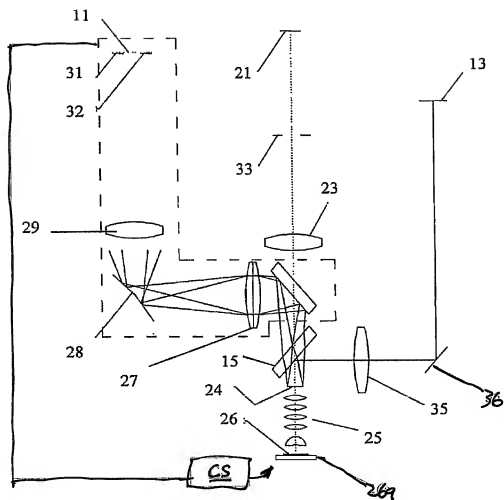


Fig. 1